

February 10, 1976

SENATOR KOCH: Senator Chambers, the thing that bothers me is that when you get into the process of a hearing, the examiner and the demands that are placed upon a school system. I understand that your larger systems probably have policies that pretty much spell out this particular proposed legislation. I am talking about large systems and I am pretty familiar with their policies. The thing that bothers me here is whether or not all schools in the State of Nebraska are really going to be able to comply with the total procedure in terms of the manpower that it proclaims you must have.

SENATOR CHAMBERS: Do you find anything in the bill which you consider to be an injustice to the school system?

SENATOR KOCH: As I said, Senator Chambers, I am not going to argue against the fact that a student, before he is suspended or expelled, he should have a proper hearing to make sure that he is not being capriciously acted against.

SENATOR CHAMBERS: And you feel that less than what this bill requires will provide a proper hearing for the student, is that essentially what you are saying?

SENATOR KOCH: I would like to sit down with Senator Fowler, along with you and possibly a few other interested people and try to put this bill into what I think would be proper statute rather than spelling out all of the steps that you have to follow in order to carry out what we are attempting to do.

SENATOR CHAMBERS: You asked Senator Fowler about the comparison in length between this and a teacher's contract, have you looked at any provisions of the uniform commercial code? Are you aware of any sections of statute that go into pretty much detail about the particular area that it is regulating? Are you aware of any? If not, then a no is fine. I am not going to pursue it.

SENATOR KOCH: What do you have in mind when you ask that question?

SENATOR CHAMBERS: Anything. You said, the length of this and the specificity with which it spells out the provisions for the hearing may be inappropriate for the statute and I am wondering if you are aware of any other provisions in statute which are regulatory in nature which are equally specific and equally voluminous?

SENATOR KOCH: We probably just passed one here, 248.

SENATOR CHAMBERS: All right, now, would you turn to page 12 in the white copy because this question I have to address to you only. I mean I think you are the only one who can answer this one for me. Page 12, line 3, the students representative shall be an attorney. Now why do you feel that in these types of hearings it is absolutely necessary to mandate by statute that a family must hire an attorney to sit in?